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COMMISSIONERS
EDWARD E. DURYEA, 1ST DISTRICT
CHAIRMAN
RICHARD C. JONES, 5TH DISTRICT
VICE-CHAIRMAN



COMMISSIONERS
EMILY C. PHILLIPS, 2ND DISTRICT
DR. D.H. DANIEL, 3RD DISTRICT
WILLIAM A. COATES, 4TH DISTRICT
JAMES C. McLEOD, JR., 6TH DISTRICT

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AUG 15 1989

STATE DOCUMENTS

State of South Carolina

State Ethics Commission

GARY R. BAKER
EXECUTIVE DIRECTOR

(803) 734-1227
1122 Lady Street, Ste. 930
P.O. Box 11926
Columbia, S.C. 29211

June 1989

89-004

TOWN SUPERVISOR REPRIMANDED

Hubert D. Lewis, Blackville Town Supervisor, was publicly reprimanded by the State Ethics Commission for violating Sections 8-13-410 and 8-13-460 by purchasing equipment and supplies from a company he owned. The Commission held a hearing on March 15 into the complaint which was filed by H.D. Still. Testimony revealed that Lewis purchased water and sewer processing equipment and supplies from a company owned by his nephew and a company owned by himself without seeking competitive bids, marking the equipment up, and co-signed checks payable to himself. Such a practice was allowed by the former Mayor but was discontinued with the assumption of office by the current Mayor.

HOUSEMAN, TERRY APPOINTED TO COMMISSION

C.A. "Chuck" Houseman and Rev. David L. Terry have been appointed to four year terms on the State Ethics Commission by Governor Carroll Campbell. They replace James C. McLeod, Jr. and Dr. D.H. Daniel who completed their terms.

Houseman is a retired Marine Corps Lieutenant Colonel. A resident of Pawleys Island, he is Broker-in-Charge of the Litchfield Company. Houseman is married and the father of two children.

Rev. Terry is a Baptist Minister from Anderson, serving the Royal Baptist Church. He is married and the father of five children.

DURYEA, JONES RE-ELECTED

At the Commission's May 17 meeting, Edward E. Duryea was re-elected Chairman and Richard C. Jones was re-elected Vice-Chairman.

NEW COMMISSION OFFICE LOCATION

Effective August 1, 1989, the State Ethics Commission will be relocated to The Pavilion, 5000 Thurmond Mall, Suite 111.

The Commission address will remain P.O. Box 11926, Columbia, S.C. 29211, however, the telephone number will change to: (803) 253-4192.

PORTER JOINS STAFF

Stephanie Porter has joined the Commission staff as Administrative Specialist A. A native of Columbia, she worked for a time in Charleston but returned to the Capital City in April. She is married to Henry Porter, an engineer with DHEC.

CORRECTION:

In the February 1989 Newsletter (89-003), the Requestor for Advisory Opinion 89-020 was identified as Joe Montgomery, Mayor of Myrtle Beach. Mayor Montgomery is the Mayor of Atlantic Beach. We regret the error.

COMMISSION UPHELD IN APPEAL

Circuit Judge John E. Kinard upheld the State Ethics Commission in an appeal filed by Bruce Drawdy, former Town Manager of Port Royal. At a hearing held in March 1988, the State Ethics Commission determined that Drawdy had violated the State Ethics Act and referred the complaint to the Solicitor for appropriate action. Drawdy appealed the Commission's decision to the Circuit Court.

Drawdy was found to have violated the State Ethics Act in quit-claiming property within the town limits of Port Royal and having the zoning designation changed on the property without following proper procedures.

DIGEST OF ADVISORY OPINIONS

*** SEC 89-034

FEBRUARY 15, 1989

SUBJECT: HHS COMMISSIONER CONDUCTING BUSINESS WITH DHEC

A HHS Commissioner is not prohibited by the State Ethics Act from conducting business with another State agency. He is advised against participation and votes in the procurement process to include budgetary and funding decisions, the preparation of specifications, approval of contracts, or otherwise taking official action on any aspect of the contract preparation, bids, or award.

Requestor: T.M. Copeland

Entity: Health and Human Services Finance Commission

*** SEC 89-035

FEBRUARY 15, 1989

SUBJECT: EMPLOYEE'S FIRM BIDDING ON AGENCY RFP

An employee's firm may not bid on or perform a contract on which the employee has participated in the proposal process. His firm may bid on or perform contracts on matters in which he did not participate, however, he should not be in an oversight position regarding such contract regardless of whether his firm or competing vendors are awarded the contract.

Requestor: Elizabeth V. Hopper

Entity: Continuum of Care for Emotionally Disturbed Children

*** SEC 89-036

MARCH 15, 1989

SUBJECT: COUNTY COUNCILMAN VOTING ON SCHOOL DISTRICT BUDGET

A County Councilman is advised against participating in deliberations and votes on setting the Board of Education millage when his spouse is Chairman of the Board of Education, regardless of whether his spouse participated in deliberations and votes on the budget issue.

Requestor: Faith H. Sellers

Entity: Dorchester County Board of Education

*** SEC 89-037

MARCH 15, 1989

SUBJECT: COUNTY COUNCILMEMBER SERVING AS FIRE DISTRICT ATTORNEY

A County Councilmember is not prohibited by the State Ethics Act from also serving as attorney for a local fire district. She is advised to follow the procedures of Section 8-13-460 in matters affecting the financial interests of the fire district.

Requestor: Linda S. Lombard

Entity: Charleston County Council

*** SEC 89-038

MARCH 15, 1989

SUBJECT: COUNTY COUNCILMEMBERS VOTING ON TAX LEVY FOR TEC COLLEGE

County Councilmembers whose emancipated children are employed by the TEC college are not required to follow the procedures of Section 8-13-460. However, a councilmember whose spouse is employed by the college is required to provide a written statement of potential conflict and otherwise not participate in matters affecting the financial interests of the college.

Requestor: Robert C. Childs

Entity: Greenville County

*** SEC 89-039

MARCH 15, 1989

SUBJECT: SLED EMPLOYEE IN REGULATORY SERVICES DIVISION AS OFFICER OF REGULATED BUSINESS

An employee of the Regulatory Services Division of the State Law Enforcement Division would be prohibited from serving in that capacity if her association with a regulated business creates a frequent or continuing conflict or if it impedes the discharge of her position responsibilities. She is advised against utilization of confidential information and, further, that the provisions of Section 8-13-450 require her to annually file a Statement of Economic Interests.

Requestor: Robert M. Stewart, Chief

Entity: SLED

*** SEC 89-040

MARCH 15, 1989

SUBJECT: COUNCILMEMBER VOTING ON ISSUES AFFECTING HIS BUSINESS

A City Councilmember is advised against deliberating and voting on issues affecting his financial interest in accordance with Section 8-13-460.

Requestor: Eric G. Budds

Entity: Town of Ridgeland

*** SEC 89-041

MARCH 15, 1989

SUBJECT: AERONAUTICS COMMISSION MEMBER AND EMPLOYEE ACCEPTING INVITATION FROM AIRLINE

The Director of the Aeronautics Commission and a Commission member are not prohibited from attending an orientation program with travel, lodging, and meals provided by a commercial airline. They are advised of the provisions against accepting compensation to influence their actions and that, if they accept such gift, the provisions of Section 8-13-460 will apply to their future actions involving such host airline. The State Ethics Commission further advises that careful consideration should be given to the appearance of impropriety in this particular matter.

Requestor: John W. Hamilton

Entity: Aeronautics Commission

*** SEC 89-042

MARCH 15, 1989

SUBJECT: HIGHWAY DEPARTMENT EMPLOYEES CIRCUMVENTING PAYMENT OF TAXES

Highway Department employees utilizing their positions to change records to reflect other than the proper record of personal property would violate the spirit and intent of the State Ethics Act. Employees utilizing their access to public materials and systems to change records to reflect other than true records for financial gain would violate the provisions of Section 8-13-410 and 8-13-460.

Requestor: M.W. Dufford

Entity: Department of Highways and Public Transportation

*** SEC 89-043

May 17, 1989

SUBJECT: PUBLIC WORKS MANAGER ELECTED TO WATER DISTRICT BOARD

An employee of a City Board of Public Works should seek a legal opinion as to whether he may also serve on the Board of a Water District in accordance with Section 6-11-93. If allowed to serve by other statutes, he is advised to follow the provisions of Section 8-13-460 on matters affecting the financial interests of the other public entity.

Requestor: Donnie L. Hardin

Entity: Gaffney Board of Public Works

***** SEC 89-044**

May 17, 1989

SUBJECT: COUNTY COUNCILMAN LEASING PROPERTY TO COUNTY

A county councilman may rent or lease property to the county for a garbage dump site provided he does not participate in any actions or decisions affecting the award or conduct of the contract.

Requestor: Ulysses Dewitt
Entity: Horry County

***** SEC 89-045**

May 17, 1989

SUBJECT: COUNTY COUNCILMAN VOTING ON ISSUE AFFECTING CO-TENANT

A county councilman is advised to weigh the appearance of impropriety concerning deliberating and voting on the award of the county insurance program which may affect his co-tenant.

Requestor: George C. McIntyre
Entity: Marlboro County

***** SEC 89-046**

May 17, 1989

SUBJECT: TOWN EMPLOYEE USING TOWN LABORATORY FOR PRIVATE BUSINESS

A town employee is advised against utilizing the town laboratory to conduct tests on wastewater samples for a private business. The business may, however, contract directly with the town to conduct the tests.

Requestor: T. Manly Balentine, Mayor
Entity: Town of Ware Shoals

***** SEC 89-047**

May 17, 1989

SUBJECT: MAYOR OPERATING WRECKER SERVICE

A Mayor who operates a wrecker service should follow the outside interests guidelines and should not utilize his position to obtain confidential information or to seek potential clients as such would violate the provisions of Sections 8-13-410 and 8-13-440. While a public official is not prohibited by the Ethics Act from having outside business interests, the Commission advises against operation of a wrecker service by a mayor within the city limits to preclude even the appearance of impropriety.

Requestor: Donald Chadwick, Chief of Police
Entity: Town of Campobello

***** SEC 89-048**

May 17, 1989

SUBJECT: REGULATORY AGENCY EMPLOYEE AS PART-TIME OWNER OF REGULATED RESTAURANT

An employee of DHEC would be prohibited from entering a partnership agreement with his fiancé if this interest creates a frequent or continuing conflict with his position responsibilities. He would be required to file a Statement of Economic Interests if such an arrangement would not create a conflict.

Requestor: Arthur T. Stanley
Entity: Department of Health and Environmental Control

***** SEC 89-049**

May 17, 1989

SUBJECT: CHIEF OF POLICE WORKING IN ABC STORE

A Chief of Police is advised against employment in an ABC store to preclude even the appearance of impropriety.

Requestor: Cody Owens, Mayor
Entity: Town of Whitmire

***** SEC 89-050**

May 17, 1989

SUBJECT: COUNTY COUNCIL MEMBERS VOTING ON ISSUES AFFECTING FINANCIAL INTERESTS

County councilmembers whose spouses or who themselves are employed within county agencies are precluded by Section 8-13-460 from voting on issues affecting the financial interests of those agencies. A councilmember whose law firm represents a school district is advised against voting on the school district budget.

Requestor: John D. Monroe
Entity: Richland County

***** SEC 89-051**

May 17, 1989

SUBJECT: NURSING CENTER BOARD MEMBERS PARTICIPATING IN ISSUES AFFECTING FAMILY MEMBERS

Members of a Nursing Center Board are advised against participating in deliberations and votes on specific issues affecting family members who are or may be admitted to the Center.

Requestor: Gerald Ravan
Entity: Grady Hipp Nursing Center

***** SEC 89-052**

May 17, 1989

SUBJECT: COASTAL COUNCIL DIRECTOR CONSULTING OUT-OF-STATE

The Director of the South Carolina Coastal Council would not be prohibited from providing consulting services to an environmental consulting firm in Florida consistent with the off-duty employment guidelines. Such work would be prohibited if the environmental consulting firm is regulated by the Coastal Council. The State Ethics Commission advises that the Director not engage in the consulting work if the firm plans to conduct consulting work under the jurisdiction of the Coastal Council.

Requestor: H. Wayne Beam
Entity: Coastal Council

***** SEC 89-053**

May 17, 1989

SUBJECT: BOARD MEMBER SERVING AS PRESIDENT OF PRIVATE ASSOCIATION

A Member of the Board of Chiropractic Examiners may run for and serve as President of the SC Chiropractic Association provided he follows the procedures of Section 8-13-460 whenever he is required to take actions or make decisions affecting the financial interests of that association.

Requestor: Edwin E. Bowen, Jr.
Entity: Board of Chiropractic Examiners

***** SEC 89-054**

May 17, 1989

SUBJECT: FIRE CHIEF/COUNTY COUNCILMAN PARTICIPATING IN LITIGATION MATTERS

A Fire Chief of a municipality who is also a county councilman should follow the procedures of Section 8-13-460 in matters affecting the litigation brought by his municipality against the county and on matters affecting the financial interests of the municipality.

Requestor: Bobbie S. Gardner
Entity: Darlington County

***** SEC 89-055**

May 17, 1989

SUBJECT: COUNTY COUNCILMEMBERS EMPLOYED BY COUNTY SCHOOL DISTRICT

County councilmembers employed in the county school district are advised to follow the procedures of Section 8-13-460 on matters affecting the financial interests of the school district.

Requestor: Bobbie S. Gardner
Entity: Darlington County

*** SEC 89-056

May 17, 1989

SUBJECT: SCHOOL EMPLOYEE TEACHING COLLEGE COURSE DURING VACATION

A school district administrator may teach a course at a State College consistent with the off-duty employment guidelines.

Requestor: Steward L. Baylor
Entity: R.D. Anderson Area Vocational Center

*** SEC 89-057

MAY 17, 1989

SUBJECT: PERSON SERVING IN THREE PUBLIC POSITIONS

The State Ethics Act does not address the issue of who may serve in public positions. If allowed to serve different positions by other statutes, the officeholder is reminded of the provisions of Section 8-13-460.

Requestor: Evert Comer, Jr.
Entity: Bamberg County

*** SEC 89-058

MAY 17, 1989

SUBJECT: COASTAL COUNCIL CANDIDATE ASSOCIATED WITH LAW FIRM WHICH REPRESENTS CLIENTS BEFORE THAT AGENCY

An attorney who is a member of the law firm which represents clients before the Coastal Council should not be appointed to that agency.

Requestor: Jack M. Scoville, Jr. and Glenn A. Cox
Entity: Georgetown County

*** SEC 89-059

MAY 17, 1989

SUBJECT: BOARD MEMBER OF REGIONAL PLANNING COUNCIL REPRESENTING CLIENTS BEFORE ZONING COMMISSION

A Regional Planning Council Board Member with oversight authority over the Planning and Zoning Commission is advised against representing clients before the Planning and Zoning Commission.

Requestor: Elizabeth L. Forrester
Entity: Georgetown County Planning and Zoning Commission

*** SEC 89-060

MAY 17, 1989

SUBJECT: ACTIONS OF PUBLIC OFFICEHOLDERS WHEN SERVING ON NON-PROFIT AGENCY BOARDS

Public officeholders who serve on the boards of private non-profit organizations are advised to follow the procedures of Section 8-13-460 on issues affecting their public organizations.

Requestor: James R. Thomson
Entity: DSS

*** SEC 89-061

MAY 17, 1989

SUBJECT: AGENCY DIRECTOR PARTICIPATING IN PROCUREMENT AFFECTING FORMER EMPLOYER

A State Agency Director is not prohibited from participating in selection of a contractor to provide services to his agency when he was formerly employed by one of the vendors. He is advised not to participate in the decision to avoid even the appearance of impropriety.

Requestor: Dorothy H. Kent
Entity: Department of Probation, Parole and Pardon Services

State Ethics Commission

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